

1982 S.C. Op. Atty. Gen. 71 (S.C.A.G.), 1982 S.C. Op. Atty. Gen. No. 82-72, 1982 WL 155041

Office of the Attorney General

State of South Carolina

Opinion No. 82-72

December 9, 1982

*1 The Honorable David O. Hawkins
Member
House of Representatives
The State House
Columbia, South Carolina 29211

Dear Mr. Hawkins:

At the suggestion of The Honorable John Rogers, I am writing you regarding a question which concerns the application of [Sections 59-123-40](#) and [2-1-90, Code](#) of Laws, 1976.

[Section 59-123-40](#) provides for ex officio membership on the Board of Trustees of certain designated chairmen of committees, among them being the 'Chairman of the Committee on Military, Municipal and Public Affairs of the House of Representatives, ex officio.'

This statute was enacted in previous years and was amended with respect to the Military, Municipal and Public Affairs Committee of the House as recently as 1965. I assume that the present Medical, Military and Municipal Affairs Committee is the same as the Military, Municipal and Public Affairs Committee.

[Section 2-1-90](#), enacted in 1975, provides that:

'Wherever a statute provides for the chairman of a standing committee of the General Assembly to be a member of a board or commission, ex officio, the members of the standing committee may elect another member of the committee to serve in lieu of the chairman.'

In my opinion, the latter statute is controlling in that it is the last amended statute and clearly evidences the intent of the General Assembly to permit members of a standing committee of which its chairman is made ex officio member of a board or commission to elect another member of the committee to serve in lieu of the chairman. Where a statute is enacted after the effective date of [Section 2-1-90](#), a different conclusion may be indicated, although I express no opinion thereon; in the present circumstances, however, it appears clear that the members of the 3M Committee may elect another member of the committee to serve in the stead of the chairman as an ex officio member of the Board of Trustees of the Medical University of South Carolina.

Very truly yours,

Daniel R. McLeod
Attorney General

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